

# Legislative Analysis



## EXCEPTION TO MINIMUM INSTRUCTION DAYS AND HOURS REQUIREMENT

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4206 (H-2) as referred to second committee**  
**Sponsor: Rep. Ben Frederick**  
**1st Committee: Education**  
**2nd Committee: Ways and Means**  
**Complete to 3-13-19**

Analysis available at  
<http://www.legislature.mi.gov>

**BRIEF SUMMARY:** House Bill 4206 would provide an exception to the minimum days of student instruction requirement in the State School Aid Act; that exception would apply when the governor had declared a state of emergency. Additionally, for days with low attendance because of poor conditions, the bill would lower the attendance requirement in order for the district to receive full funding for that day.

**FISCAL IMPACT:** The bill would have no fiscal impact on the state and would likely have an indeterminate, but minimal, impact on districts. The bill could create some savings for districts by waiving days of instruction and the corresponding number of hours of instruction that would have to be added at the end of the school year, thus eliminating the additional utility, food service, and transportation costs.

### **THE APPARENT PROBLEM:**

The bill is understood to address the unusually high number of canceled school days in the 2018-19 school year, some of which occurred on days the governor had declared a state of emergency.<sup>1</sup> Reportedly, several districts in the Kent and Ottawa ISDs have already exceeded nine canceled days, with some districts up to 14 or 15 days.<sup>2</sup> In lowering the attendance threshold, the substitute is understood to disincentivize a district from preemptively canceling school in anticipation of low attendance.

### **THE CONTENT OF THE BILL:**

Generally under the Act, districts must provide at least 1,098 instructional hours and 180 days of instruction. The first six days of instruction that are not provided because of conditions beyond the control of school authorities (including severe storms, fires, epidemics, utility power unavailability, or other specified events) are “forgiven” and counted toward the 180-day/1,098-hour requirement. An additional three days may be forgiven with the approval of the superintendent of public instruction, typically referred to as a “snow day waiver.”

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<sup>1</sup> [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-486311--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-486311--,00.html)

<sup>2</sup> <https://www.mlive.com/news/grand-rapids/2019/02/schools-racking-up-snow-days-getting-3-day-waivers-but-more-relief-possible.html>

The bill would provide that, on days when instruction was not provided because the governor had declared a state of emergency, those hours or days would likewise be counted toward the requirement.

The bill would also adjust the amount of funding a district would receive on days when conditions beyond the control of school authorities triggered low attendance. Currently, if a district does not have at least 75% of its membership in attendance on days not specifically exempted from that requirement, the district's state aid for that day is in the proportion of 1/180 that the actual percentage bears to 75%. Instead, under the bill, when less than 60% of the district's membership is in attendance, the district's state aid for the day is in the proportion of 1/180 that the actual percentage bears to the specified percentage. [Note: While the funding amount would be determined in part using the "specified percentage" in the bill, percentages of both 60% and 75% are referenced in the provision; it is not clear which is "specified."]

MCL 388.1701

### ***ARGUMENTS:***

#### ***For:***

Proponents advanced the bill as a way to account for the unusually cold weather in Michigan during January and February of 2019, the many days of canceled classes, and the state of emergency issued by the governor on January 28, 2019. Statute requires 1,098 instructional hours and 180 instructional days of class and allows for six forgiven days and three snow day waivers; however, supporters argued that days for which the governor issued a state of emergency should not be held against districts. Instead of canceling spring break or adding minutes to the end of every school day in order to meet the hours requirement, they argued that this bill would offer additional flexibility to account for conditions outside of the district's control.

#### ***Against:***

Some who otherwise supported the goal of the bill offered amendments that would have addressed the unique situation of hourly workers. The bill would ensure certain funding for schools and teachers, they argued, but other workers, such as paraprofessionals, bus drivers, lunchroom workers, maintenance workers, and others, are only paid on days they actually work. Accordingly, when a state of emergency causes a school closing for several days in close succession, workers who are already scraping by would receive only a fraction of their normal paycheck, they argued. While unusual weather in 2019 may have necessitated the bill, opponents said, the bill should ensure that workers covered by collective bargaining agreements are still paid until they have the next opportunity to bargain for coverage during snow days.

#### ***Response:***

Supporters replied that the payment of support workers on snow days is best addressed in the context of collective bargaining agreements and is not under the purview of the legislature.

***POSITIONS:***

Representatives of the following organizations testified in support of the bill:

Michigan Department of Education (3-5-19)  
Shiawassee Regional Educational School District (3-5-19)  
Michigan Association of Superintendents and Administrators (3-5-19)  
Michigan Association of Public School Academies (3-5-19)

The following organizations support the bill:

Michigan Association of Intermediate School Administrators (3-5-19)  
Michigan Association of Convention and Visitor Bureaus (3-5-19)  
Michigan Association of Secondary School Principals (3-5-19)  
Michigan Association of School Boards (3-5-19)  
Grand Rapids Public Schools (3-5-19)  
ESA Legislative Group (3-5-19)

The Great Lakes Education Project indicated a neutral position on the bill. (3-5-19)

Representatives of the following organizations testified in opposition to the bill:

AFSCME Council 25 (3-12-19)  
AFT Michigan (3-12-19)

Legislative Analyst: Jenny McInerney  
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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.